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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUIS M. GONZALEZ : CIVIL ACTION  
 :  
v. :  
 :  
COMMONWEALTH OF PENNSYLVANIA, :  
et al. : NO. 12-4717

**ORDER**

AND NOW, this 1<sup>st</sup> day of Oct., 2012, upon consideration of the  
Petition for Writ of Habeas Corpus and the exhibits attached thereto, and after review of the Report  
and Recommendation of Chief United States Magistrate Judge Carol Sandra Moore Wells, it is  
hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED without prejudice for lack of exhaustion; and
3. Petitioner has neither shown a denial of a constitutional right, nor established that reasonable jurists would disagree with this court's disposition of her claims. Consequently, a certificate of appealability is DENIED.

IT IS SO ORDERED.

BY THE COURT:

  
ROBERT F. KELLY, J.